

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

MICHAEL J. COATES,
Plaintiff,

CIVIL ACTION NO. 07-CV-10321

VS.

DISTRICT JUDGE NANCY G. EDMUNDS

**GENERAL MOTORS
CORPORATION,**

MAGISTRATE JUDGE MONA K. MAJZOUN

Defendant.

ORDER GRANTING DEFENDANT'S MOTION TO COMPEL DISCOVERY
(DOCKET NO. 11)

This matter comes before the Court on Defendant's Motion to Compel Discovery filed on November 12, 2007. (Docket no. 11). This motion was referred to the undersigned for hearing and determination pursuant to 28 U.S.C. § 636(b)(1)(A). (Docket no. 9). The Court's original Notice of Hearing was served on both parties on November 21, 2007 noticing the hearing for January 7, 2008. (Docket no. 13). The Court served an Amended Notice of Hearing on November 21, 2007 extending the due date for Plaintiff's response. (Docket no. 14). Plaintiff (in pro per) nonetheless failed to file a written response to Defendant's motion. Defendant then filed a Joint List of Unresolved Issues on December 28, 2007, but could not obtain concurrence from Plaintiff in filing the Joint List. (Docket no. 16). Defendant appeared through its counsel at the January 7, 2008 hearing of the motion. Plaintiff failed to appear and failed to give notice to counsel or the Court that he would not or could not appear for the motion. The matter is now ready for ruling.

Defendant served its First Set of Interrogatories and First Request for Production of Documents on Plaintiff on September 27, 2007 via mail. (Docket nos. 11-2, 11-3). Plaintiff did not answer, object or otherwise respond to Defendant's discovery requests. On November 2, 2007

defense counsel sent correspondence via mail to Plaintiff notifying him that if he did not provide responses on or before November 9, 2007 Defendant would file a motion to compel. As of the date of the hearing, Plaintiff still had not responded to the Discovery Requests and had not responded to defense counsel's correspondence.

The Court will order Plaintiff to answer Defendant's First Set of Interrogatories and provide responses to Defendant's First Request for Production of Documents fully and completely and without objections on or before January 16, 2008. Fed. R. Civ. P. 37. The Court will further order Plaintiff to appear for deposition at defense counsel's law office on February 1, 2008 at 9 a.m. The deposition of Plaintiff will be completed within seven hours on one day and will not be continued to another date.

IT IS THEREFORE ORDERED that Defendant's Motion to Compel Discovery is **GRANTED** and on or before January 16, 2008 Plaintiff will answer fully and completely Defendant's First Set of Interrogatories and produce documents responsive to Defendant's First Request for Production of Documents.

IT IS FURTHER ORDERED that Plaintiff will appear for deposition on February 1, 2008 at 9 a.m. at the office of defense counsel Hardy, Lewis & Page, P.C., 401 South Old Woodward Avenue, Suite 400, Birmingham, Michigan 48009 and the deposition will continue for up to seven hours until complete on that date.

IT IS FURTHER ORDERED that Defendant's request for attorneys fees and costs associated with bringing the Motion is **DENIED** without prejudice.

NOTICE TO THE PARTIES

Pursuant to Fed. R. Civ. P. 72(a), the parties have a period of ten days from the date of this Order within which to file any written appeal to the District Judge as may be permissible under 28 U.S.C. 636(b)(1).

Dated: January 08, 2008

s/ Mona K. Majzoub
MONA K. MAJZOUB
UNITED STATES MAGISTRATE JUDGE

PROOF OF SERVICE

I hereby certify that a copy of this Opinion and Order was served upon Michael J. Coates and Counsel of Record on this date.

Dated: January 08, 2008

s/ Lisa C. Bartlett
Courtroom Deputy